

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41953 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of certiorari calling for the records pertaining to F.I.R.No.143 of 2016 registered for the offences under Sections 447, 427, 506 IPC read with Section 34 IPC and declare the same as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the present complaint is lodged by the third respondent alleging that the petitioners have trespassed into his lands on 16.11.2016 and that the complaint is lodged on 19.11.2016 and as such, there is a delay of three days, which is not properly explained by the third respondent. He further submits that the petitioners have not trespassed into the lands of the third respondent and that they have not committed any offence. Hence, he prays this Court to quash the proceedings against the petitioners.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners at the threshold. However, taking into consideration the fact that there is an inordinate delay in lodging the complaint, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance as and when required for the purpose of investigation.

.The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

02.12.2016
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